

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CHEICHK FALL,

Petitioner,

-against-

M. KOPP,

Respondent.

23-CV-9683 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

By order and judgment dated January 8, 2024, and entered on the docket on January 9, 2024, the Court dismissed the petition for Petitioner's failure to pay the filing fee or submit an application to proceed *in forma pauperis*. (ECF 6, 7.) On January 29, 2024, the court received from Petitioner a notice of appeal. Because the petition made no substantial showing of a denial of a constitutional right, the Court declines to issue a certificate of appealability with respect to the Court's January 8, 2024 order and judgment.¹ *See* 28 U.S.C. § 2253.

SO ORDERED.

Dated: February 12, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge

¹ On February 1, 2024, a day before the notice of appeal was entered on the docket, the court received Petitioner's payment of the \$5.00 filing fee. By order dated February 2, 2024, the same date the notice of appeal was entered on the docket, the Court construed Petitioner's payment of the fee as including a motion for reconsideration of the Court's order dismissing the action, granted the motion, and directed the Clerk of Court to vacate the Court's order of dismissal and civil judgment. (ECF 6, 7.)